

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

Lorraine Thomas,

Plaintiff,

v.

Charter Communication dba Spectrum Cable,

Defendant.

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: Civil Action No.: _____
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DEMAND FOR JURY TRIAL

COMPLAINT & JURY DEMAND

For this Complaint, the Plaintiff, Lorraine Thomas, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Lorraine Thomas ("Plaintiff"), is an adult individual residing in Charlotte, North Carolina, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Charter Communication dba Spectrum Cable ("Charter"), is a Missouri business entity with an address of 12405 Powerscourt Drive, Saint Louis, Missouri 63131, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. Beginning in or around the last year, Charter started calling Plaintiff's cellular telephone, number 202-xxx-5328, in an attempt to collect a consumer debt allegedly owed by Plaintiff.

6. At all times mentioned herein, Charter contacted Plaintiff using an automated telephone dialer system ("ATDS" or "predictive dialer") and/or by using an artificial or prerecorded voice.

7. When Plaintiff answered Charter's calls, she heard a prerecorded message instructing Plaintiff to call Charter back.

8. During a live conversation on or about July 13, 2020, Plaintiff demanded that all calls to her cease immediately.

9. Thereafter, despite having been so informed and directed to cease communications, Charter continued to place automated calls to Plaintiff's cellular telephone at an excessive and harassing rate.

COUNT I

VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.

10. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. At all times mentioned herein and within the last four years, Defendant called Plaintiff on her cellular telephone using an ATDS or predictive dialer and/or by using a prerecorded or artificial voice.

12. Defendant continued to place automated calls to Plaintiff's cellular telephone after being directed by Plaintiff to cease calling and knowing there was no consent to continue the

calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The telephone number called by Defendant was and is assigned to a cellular telephone serviced by a telephone service provider for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

14. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

15. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Each of the aforementioned calls made by Defendant constitutes a violation of the TCPA.

17. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: October 30, 2020

Respectfully submitted,

By: /s/ Sergei Lemberg, Esq.
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